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Chair: Mr. Tommo Monthe ..... (Cameroon)

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The meeting was called to order at 3.40 p.m.

Agenda item 68: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

Draft resolution A/C.3/65/L.46/Rev.1: Combating defamation of religions

1. **The Chair** said that the draft resolution had no programme budget implications.

2. **Mr. Loulichki** (Morocco), speaking on behalf of the Organization of the Islamic Conference, as well as the Bolivarian Republic of Venezuela and Belarus, introducing draft resolution A/C.3/65/L.46/Rev.1, said that the text aimed to address the disturbing increase in racist violence and manifestations of xenophobia around the world, which were a matter for serious concern. In certain cases, national policies stigmatized groups of people belonging to certain religions or belief systems, which legitimized discrimination and impaired the ability of those people to enjoy their rights to freedom of thought, conscience and religion.

3. The Organization believed that all rights were universal, indivisible, interdependent and interrelated, as stated in the Vienna Declaration and Programme of Action. However, unrestricted and disrespectful freedom of opinion fostered hatred and ran counter to the spirit of peaceful dialogue and the promotion of multiculturalism. Article 19 of the International Covenant on Civil and Political Rights, which provided for freedom of opinion, itself acknowledged that it could be subjected to certain restrictions, and article 20 went on to suggest the prohibition of any advocacy of racial or religious hatred.

4. While freedom of expression was one of the cornerstones of any democratic society, the foundations of such a society also needed guarantees for the respect of the rights of others, to ensure the necessary balance between all human rights and fundamental freedoms. Adopting measures to ensure respect for the right to non-discrimination on any basis, as provided for in international human rights law, was essential to building and maintaining a healthy society. The international community had repeatedly reaffirmed that racism was incompatible with democracy. Acts of incitement to religious hatred violated, inter alia, the Charter of the United Nations, the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights, and Security Council resolution 1624 (2005).

5. The Organization of the Islamic Conference had conducted three rounds of informal consultations on the draft resolution and organized several meetings with individual partners and regional groups. After considering all proposals, a revised text had been tabled. The sponsors had hoped to hold a constructive dialogue in order to consolidate international efforts and reach consensus, and remained determined to continue in those endeavours.

6. The revised draft of the resolution stressed that the vilification of any religion was a serious affront to human dignity, restricting the freedom of religion of its adherents and inciting religious hatred and violence. It called for the prohibition of all such deplorable acts against all religions; the fact that Islam was currently the focus of such acts did not preclude the possibility that other religions and their adherents could be targeted in the future.

7. All States had agreed in the United Nations Global Counter-Terrorism Strategy that terrorism could not and should not be associated with any religion, nationality, civilization or ethnic group. They had also agreed to promote a culture of peace and respect for all religions, religious values, beliefs or cultures, and to prevent the defamation of religions. States had reaffirmed their commitment to implementing the Strategy in all its aspects and in an integrated manner in General Assembly resolution 62/272. It was also pertinent to recall that a resolution entitled "combating defamation of religions" had been adopted by consensus in both 1999 and 2000.

8. In an effort to show a sign of compromise, the references to the concept of "defamation" had been reduced and/or replaced with that of "vilification". The draft embarked on a new approach by identifying the problem, highlighting its gravity and broad-ranging negative consequences and calling for cooperation at all levels to tackle it, within the framework of existing internationally agreed human rights instruments. Several delegations had indicated that they would support the draft if it dealt with all religions. The text had been amended accordingly, so he urged those

delegations to fulfil their pledges by supporting the resolution.

9. He urged all Member States to demonstrate a higher degree of sensitivity to the repeated requests by a growing number of Members to address the abuse of freedom of expression to insult religions and their followers. The human rights bodies should respond to that emerging phenomenon in order to preserve the credibility of the system and affirm the universal and interrelated nature of all human rights.

10. **Mr. Nihon** (Belgium), speaking on behalf of the European Union; the candidate countries Croatia and the former Yugoslav Republic of Macedonia; the stabilization and association process countries Montenegro and Serbia; and, in addition, the Republic of Moldova and Ukraine, said that the European Union continued to believe strongly in tolerance, non-discrimination and freedom of expression, thought and religion or belief and was convinced that a continuing dialogue on those issues could help overcome existing differences of opinion. They shared the concern about the victimization of people all over the world due to their religion or belief. Efforts needed to be increased to eliminate religious intolerance, including by ensuring that legal systems provided adequate and effective guarantees of freedom of thought, conscience, religion and belief to all, without distinction.

11. However, the European Union could not agree with an approach that promoted the establishment of a normative human rights concept to protect religions in response to such concerns. The concept of "defamation", or indeed of "vilification", was inconsistent with international human rights law, which protected individuals in the exercise of their freedoms and did not, nor should not, protect religions, which should not be viewed as homogenous entities. The change in vocabulary in the text had not dispelled those concerns. In addition, as in previous years, several Special Rapporteurs had again highlighted the need to address the concerns underlying the resolution within the context of the established international legal framework provided by the International Covenant on Civil and Political Rights.

12. The concept of "defamation" or "vilification" of religions risked seriously limiting the rights to freedom of expression and of religion or belief, and endangered the very openness and tolerance that allowed people of different faiths to coexist and practice their faiths without fear. Such limitations, or equally inadmissible so-called blasphemy laws, would not address the concerns behind the resolution. Instead, the solution lay in the exercise of the right to free speech and an open discussion of the relevant questions. Prohibition of incitement to religious hatred was already adequately addressed in article 20.2 of the Covenant.

13. The European Union condemned instances of discrimination and intolerance against any individual on the grounds of religion and had repeatedly expressed its resolve to fight such phenomena. He urged all States to show similar openness and determination in dealing with their related challenges.

14. Despite continuing serious concerns over the substance of the resolution, the European Union sincerely appreciated the efforts of the delegation of Morocco to look beyond the text as traditionally tabled. The European Union remained willing to engage with all interested partners seeking to address the underlying concern about intolerance and would support initiatives seeking to address the issue on the basis of international law.

15. As a result of the concerns it had expressed, the European Union was calling for a recorded vote on the draft resolution and would be voting against it.

16. **Mr. Sammis** (United States of America) said that, as it had done in the past, his country would vote against the draft resolution. The United States had participated in discussions in an effort to find cross-regional solutions to the problems of religious intolerance and hatred, and shared the sponsors' deep concern about the proliferation of discrimination and the targeting of individuals based on their religion. The goal had always been to find common ground sufficient to overcome differences and negotiate a resolution that could be adopted by consensus.

17. People could either choose to be defined by their differences, giving in to a future of suspicion and mistrust, or to forge common ground and commit to the steady pursuit of progress. The United States was committed to progress. The changes that had been made to the resolution and the openness to discussion were welcome, but despite those efforts the text still seemed to further highlight the differences of opinion rather than helping to bridge the historical divides. The changes made to the text did not address the heart of the concerns — the resolution's negative implications

for freedom of religion and freedom of expression. The text also continued to refer to the problematic concept of defamation, excluded many religions or belief systems and equated defamation to a human rights violation or incitement. It was important to remember that human rights were held by individuals, not by governments, institutions or religions, and the language of the resolution should reflect that.

18. The United States looked forward to continuing to work with the Organization of the Islamic Conference and others to find an action-oriented approach that could combat religious intolerance while not penalizing those who exercised their freedom of speech or religion. The necessary negotiations among groups would take time and required patience and understanding from all sides.

19. **Ms. Fontana** (Switzerland) said that her country opposed the explicit recognition at the international level of the concept of defamation of religions as a form of racism, since racism had hitherto not included a religious element. Switzerland also believed that human rights existed to protect individuals, not religions or other belief systems. Existing international instruments — in particular articles 18, 19 and 20 of the International Covenant on Civil and Political Rights — provided sufficient protection against incitement to religious hatred.

20. While her delegation appreciated the efforts that had been made by the Organization of the Islamic Conference, the changes that had been made to the text had not responded to their main concerns. The term "vilification" was simply a synonym of "defamation". The link between religion and racism had remained intact, and religions rather than individuals remained the focus of the resolution. For those reasons, Switzerland would again vote against the draft resolution.

21. *At the request of Belgium, a recorded vote was taken on draft resolution A/C.3/65/L.46/Rev.1.*

In favour:

Afghanistan, Algeria, Angola, Azerbaijan, Bahrain, Bangladesh, Belarus, Bolivia (Plurinational State of), Brunei Darussalam, Cambodia, China, Comoros, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Guinea, Guinea-Bissau, Guyana, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Morocco, Mozambique, Myanmar, Namibia, Nicaragua, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Against:

Andorra, Argentina, Australia, Austria, Bahamas, Belgium, Bulgaria, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Nauru, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Serbia, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zambia.

Abstaining:

Albania, Antigua and Barbuda, Armenia, Barbados, Belize, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Burkina Faso, Cameroon, Cape Verde, Colombia, Congo, Costa Rica, Democratic Republic of the Congo, Ecuador, Gabon, Ghana, Grenada, Guatemala, Haiti, Honduras, India, Jamaica, Japan, Kenya, Lesotho, Liberia, Malawi, Mauritius, Mongolia, Nepal, Paraguay, Peru, Rwanda, Saint Kitts and Nevis, Trinidad and Tobago, Tuvalu, United Republic of Tanzania, Vanuatu.

22. *Draft resolution A/C.3/65/L.46/Rev.1 was adopted by 76 votes to 64, with 42 abstentions.*

23. **Mr. de Séllos** (Brazil) said that his delegation had chosen to abstain in the voting on the draft resolution. While the draft included several positive elements on combating discrimination and hatred based on religion or belief and promoted dialogue among civilizations and beliefs, it also still contained elements that conflicted with international law, preventing its acceptance by Brazil.

24. In the context of international human rights law, the concept of "defamation" or "vilification" of religions was not applicable to the protection of a religion in itself, but rather to the protection of an individual's right freely to profess that religion or not, or indeed to convert to another, without any limitation being imposed by the State. International law did not prohibit defamation of a religion, but rather incitement to discrimination, hatred or violence for religious motives, among others, in accordance with article 19, paragraph 3, and article 20, paragraph 2, of the International Covenant on Civil and Political Rights.

25. He recalled that the current Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, as well as his predecessor, had advised replacing the sociological concept of defamation of religions with the juridical concept of incitement to national, racial or religious hatred. Paragraph 13 of the outcome document of the Durban Review Conference represented a good balance by reaffirming the importance of freedom of expression while also highlighting that it was crucial to curb discourse based on hatred.

26. Brazil protected religious freedom and recognized the importance of intercultural and interfaith dialogue in politics. Having a secular State did not mean restricting the free religious manifestations of individuals or communities, but instead guaranteed that freedom. Brazil was proud of its multicultural, multiracial and multireligious society and, in that regard, was honoured to have hosted the third Global Forum of the Alliance of Civilizations.

27. Brazil recognized and was saddened by the acts of intolerance and incitation to religious and ethnic hatred that Muslims were suffering around the world. It was, however, important to note that members of other religions were also affected by similar phenomena, including in Islamic countries.

28. **Mr. Soares** (United Kingdom) said that his delegation had voted against the draft resolution and wished to stress its unease with the introduction of the term "Judeophobia", which was a deviation from the standard terminology: "anti-Semitism". The distinction between the two terms was unclear and there had not been sufficient time to consider the potential implications — the term could perhaps be perceived as offensive by the individuals concerned and might have an undertone of the very discrimination that the United Nations had committed to tackle.

29. **Mr. Chin** (Singapore) said that his delegation had voted for the resolution, on the understanding that it would apply to all religions. Singapore was a multiracial and multireligious city-state and as such it was critical to ensure that the diversity of races, religions and cultures did not become a source of misunderstanding or friction. The exercise of the right to free speech must not be at the expense of others, but must be balanced with responsibility and accountability. Defamation bred intolerance and distrust and undermined social cohesion, so had no place in society. Intolerance and ignorance must be opposed, and understanding and respect encouraged.

30. **Ms. Taracena Secaira** (Guatemala) drew attention to the information about her country's commitment to combat intolerance and discrimination on the basis of religion or belief included in the report of the Secretary-General on combating defamation of religions (A/65/263). Protections were enshrined in the country's political Constitution and in the 1996 Peace Agreements, in particular the Agreement on the Identity and Rights of Indigenous Peoples. Guatemala condemned all acts of defamation, incitation or provocation — terms which were not at all synonymous — against any religion, particularly at a time when there had been demonstrations of the tension and intolerance that could arise around certain religious symbols, even in economically advanced, democratic countries.

31. That being said, there was merit in the arguments being made against the draft resolution. International human rights case law focused on individuals rather than belief systems. In addition, it was possible that efforts to combat defamation of religions might curtail the right to freedom of expression.

32. For those reasons, as it had done in previous years, Guatemala had chosen to abstain in the voting.

33. **Mr. Bené** (Observer for the Holy See) said that his delegation welcomed the efforts of the sponsors to move away from the concept of defamation, which remained an unclear legal term in the current human rights framework. Further efforts could be made during future negotiations to address the important issues contained in the resolution while also ensuring respect for the balance between freedom of expression and the right of people to practice their faith free of discrimination. The most effective way of ensuring that all people were able to exercise their freedom of religion or belief was through an obligation to respect that right.

34. The Holy See remained concerned that implementation of the concept of defamation had given rise to national legislation that undermined the fundamental right to freedom of religion and conscience, particularly for members of religious minority groups. It thus called on all States to ensure full respect for the human dignity and fundamental rights of all.

35. **Mr. Loulichki** (Morocco) welcomed the adoption of the resolution, stressing that it was responding to a real need. The intensity of the debate on the issue itself demonstrated its importance. He recognized that there were fundamental differences in approach which could not be overcome in one session, but efforts must and would continue.

36. Tolerance and respect for human rights were shared parameters on which to build. The Organization of the Islamic Conference had made compromises and amended the text in an effort to reach consensus. Unfortunately, there had been no encouraging sign from its partners in return. Rather than simply presenting an identical resolution or making their support for other similar resolutions conditional on reciprocal support, the Organization had been determined to listen to the concerns that had been expressed and had presented a truly amended resolution. It would return with the same determination and openness the following year and hoped to arrive at language that was agreeable for all.

Draft resolution A/C.3/65/L.33/Rev.1: Programme of activities of the International Year for People of African Descent

37. **Mr. Osorio** (Colombia), introducing the draft resolution, announced that Grenada, Guyana, Paraguay and the Bolivarian Republic of Venezuela had joined the sponsors.

38. The text before the Committee stemmed from States' intention to undertake activities, in the context of the International Year for People of African Descent, that would have a positive impact on their economic, social, cultural, civil and political rights. The activities aimed to promote greater awareness of and respect for diversity and integration of those interests into the international agenda. The United Nations system would be involved in the proposed activities in a coordinating and unifying role.

39. He introduced several amendments to the text. In paragraph 2, the words "Takes note with appreciation of" would be replaced with the word "Welcomes", and the words "bearing in mind" would be introduced later in the paragraph, replacing the word "of" before the reference to the recommendation contained in the report of the Working Group of Experts on People of African Descent. Additional text would be added at the end of paragraph 4 to read: ", with the participation of the Chair of the Working Group of Experts on People of African Descent, the Chair of the Committee on the Elimination of Racial Discrimination, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, a representative of people of African descent, civil society and relevant stakeholders". Lastly, in paragraph 7, the words "and, as a guideline," were to be replaced with the words ", as well as".

40. **Mr. Gustafik** (Secretary of the Committee) said that the following countries had joined the sponsors: Antigua and Barbuda, Haiti, India, Jamaica, Niger and Nigeria.

41. **Mr. Mashabane** (South Africa) expressed his thanks to the leadership of the Group of African States for their work to achieve consensus, and to the sponsors of the resolution for their flexibility in dealing with the group's concerns. As a result, he withdrew the proposed amendments to the draft resolution contained in document A/C.3/65/L.67.

42. **Mr. Gustafik** (Secretary of the Committee) made a statement of programme budget implications. Referring to paragraphs 4, 8 and 9 of the draft resolution, he said that should the draft resolution be adopted, total additional resource requirements of $58,200 would arise, with regard to its paragraph 4: (i) under section 2, General Assembly and Economic

and Social Council affairs and Conference Management for conference-servicing for the holding of the one-day high-level debate in 2011 ($22,500); (ii) under section 23, Human rights, for travel to participate in the one-day event of the Chair of the Working Group of Experts on People of African Descent, the Chair of the Committee on the Elimination of Racial Discrimination, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, a representative of people of African descent ($29,200); and under section 28D, Office of Central Support Services for conference support services, such as sound engineering ($6,500).

43. The terms of paragraph 8 were expected to give rise to total additional requirements of $14,600 for conference services, for the opening ceremony on 10 December 2010, anticipated to be held for a half day: (i) under section 2, General Assembly and Economic and Social Council affairs and Conference Management ($11,300); and (ii) under section 28D, Office of Central Support Services for conference support services such as sound engineering ($3,300). The opening ceremony was not expected to generate any additional requirements under section 23, Human rights, as they would fall within provisions for events that had already been planned.

44. The estimated additional requirements, which amounted to $72,800, were proposed to be met within the programme budget for the biennium 2010-2011 under sections 2, 23 and 28D. Furthermore, the Secretary-General would, to the extent possible, implement the terms contained in paragraph 9 of the draft resolution.

45. *Draft resolution A/C.3/65/L.33/Rev.1, as orally revised, was adopted.*

46. **Mr. Burnlat** (Belgium), speaking on behalf of the European Union, said that, despite its doubts about the effectiveness of international decades, years and days, the European Union was committed to the full enjoyment of human rights by persons of African descent. However, all victims of racism and discrimination deserved the same protection; any suggestion of a hierarchy between those victims should be avoided, as that also risked creating new forms of racism. It was crucial to adopt a global and universal approach in the fight against racism and initiatives supported by the Office of the High Commissioner for Human Rights should not be restricted to one ethnic group.

47. The draft resolution, as tabled, had accommodated the concerns of the delegations which had been involved in the informal negotiations on its text. The European Union deeply regretted the fact that, by proposing amendments that had already been thoroughly discussed, one delegation had tried to renegotiate the compromise text. While certain oral amendments were in line with the spirit of the balanced text that had originally been agreed on, the European Union wished to underline the fact that it could only accept the revised wording of paragraph 4 on the understanding that the related programme budget implications would be drawn from existing resources.

48. **Ms. Murillo** (Costa Rica) expressed her country's satisfaction that the resolution had been adopted by consensus.

49. **Ms. Brichta** (Brazil) said that her country welcomed the adoption by consensus of the draft resolution. The International Year symbolized the political will of the international community to address the specific challenges that people of African descent faced in their efforts to fully enjoy their human rights. The draft resolution was of particular significance to her country as approximately 100 million Brazilians were of African descent.

50. *The meeting was suspended at 5.15 p.m. and resumed at 5.35 p.m.*

Agenda item 66: Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (*continued*)

Draft resolution A/C.3/65/L.60: Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

51. **Mr. Al-Shami** (Yemen), speaking on behalf of the Group of 77 and China and reading out oral amendments to draft resolution A/C.3/65/L.60, said that in paragraph 1, the words "World Conference" should be replaced with "Durban Declaration and Programme of Action". In the phrase "their full and

effective implementation", the word "their" should be replaced with "its".

52. The third, fourth and fifth preambular paragraphs should be deleted and replaced with the following paragraph: "*Recalling* its resolution 64/148 of 26 March 2010 which, amongst others, called for the 10th Year Commemoration of the Durban Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR), which represents an important opportunity for the international community to reaffirm its commitment to the eradication of racism, racial discrimination, xenophobia and related intolerance, including by mobilizing political will at the national, regional and international level aimed at generating concrete results."

53. In the seventh preambular paragraph, the phrase "and deeply regretting the slow progress made in discharging its mandate" should be replaced with the phrase "and encourages the Committee to continue making progress in the discharge of its mandate". The twelfth and thirteenth preambular paragraphs should be deleted.

54. A new fifteenth preambular paragraph bis should be added, to read: "*Acknowledges* the centrality of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action for the successful realization of commitments undertaken at the World Conference".

55. In the seventeenth preambular paragraph, after the word "recognizing" the words "the continuing" should be inserted. The words "her office" should be replaced with "the office". In the eighteenth preambular paragraph, the phrase "also the conclusions and recommendations" should be deleted. At the end of the paragraph, the following phrase should be added: "and looks forward to the Human Rights Council's consideration of those conclusions and recommendations".

56. In the twentieth preambular paragraph, the word "recent" should be inserted before the word "hosting". The words "and 2014" should be deleted. Between the words "in South Africa and" and the words "in Brazil", the following phrase should be inserted: "looking forward to the forthcoming 2014 International Federation of Association Football World Cup". The word "respectively" should be deleted.

57. At the end of paragraph 3, the following phrase should be added: "and the outcome document of the Durban Review Conference". At the end of paragraph 4, the following phrase should be added: "recognizing that combating racism, racial discrimination, xenophobia and related intolerance is a primary responsibility of States". In paragraph 5, after the words "which include, inter alia", the phrase "incitement to such hatred, racial profiling" should be replaced with the phrase "xenophobia, racial profiling, incitement to racial, ethnic or religious hatred".

58. In paragraph 8, the words "other related" should be deleted. After the word "grounds", the following phrase should be inserted: "specified in the Durban Declaration and Programme of Action". At the end of the paragraph, the words "or other status" should be deleted. At the end of the paragraph, the following phrase should be added: "and the outcome document of the Durban Review Conference".

59. In paragraph 23, after the words "Member States to", the phrase "do their utmost to" should be inserted. In paragraph 25, after the words "Special Rapporteur", the following phrase should be inserted: "on contemporary forms of racism, racial discrimination, xenophobia and related intolerance". In paragraph 29, the word "closer" should be replaced with "the close".

60. In paragraph 30, the word "*Urges*" should be replaced with "*Requests*". In the same paragraph, and again in paragraph 31, the words "continue to" should be inserted before the word "provide". In paragraph 32, after the words "the Special Rapporteur", the phrase ", within his mandate," should inserted. The phrase "by national or ethnic, religious and linguistic minorities, immigrant populations, asylum-seekers and refugees" should be deleted.

61. In paragraph 34, after the word "education", the following phrase should be inserted: ", including human rights education and learning,". In paragraph 35, the word "closely" should be deleted. The phrase "so that this concept will not be" should be replaced with the phrase "with a view to preventing it from being". In paragraph 36, the words "this regard" should be replaced with "combating racism, racial discrimination, xenophobia and related intolerance".

62. In paragraph 37, after the words "human rights training", the following phrase should be inserted: "including on challenges of racism, racial discrimination, xenophobia and related intolerance

faced by migrants, refugees and asylum-seekers". In paragraph 38, the words "the concerned" should be replaced with "those concerned".

63. At the end of paragraph 45, the following phrase should be added: "and the outcome document of the Durban Review Conference". Paragraphs 49 and 50 should be deleted and replaced with the following new paragraph: "*Decides* to hold a one-day high-level meeting of the General Assembly to commemorate the Tenth Anniversary of the Adoption of the Durban Declaration and Programme of Action, at the level of heads of States and governments, on the second day of the general debate of the sixty-sixth session of the General Assembly, under the theme 'Victims of racism, racial discrimination, xenophobia and related intolerances: recognition, justice and development', consisting of an opening plenary, consecutive round tables/thematic panels and a closing plenary meeting; and calls on the President of the General Assembly to appoint co-facilitators to conduct consultations on the scope, modalities, format and organization of the high-level meeting".

64. In paragraph 51, the word "political" should be inserted after the words "short and concise". After the words "political will", the words "at the national, regional and international levels" should be inserted. The phrase "the outcome of the 2009 Durban Review Conference" should be replaced with the words "its follow-up processes".

65. In paragraph 55, after the words "Programme of Action", the phrase "and the Outcome Document of the Durban Review Conference" should be inserted. Paragraph 61 should be deleted.

66. Paragraph 62 should be replaced with the following text: "*Calls upon* the Human Rights Council to ensure that upon the consideration and adoption of the conclusions and recommendations of the Intergovernmental Working Group for the Effective Implementation of the Durban Declaration and Programme of Action, the recommendations are brought to the attention of the relevant agencies for adoption and implementation within their respective mandates".

67. Paragraph 63 should be replaced with the following text: "*Encourages* the High Commissioner for Human Rights to continue mainstreaming the implementation of the Durban Declaration and Programme of Action in the whole United Nations system, and in accordance with paragraphs 136 and 137 of the outcome document, which calls for the establishment of the inter-agency task force to update the Human Rights Council in this regard;".

68. In paragraph 65, before the word "provide", the words "continue to" should be inserted.

69. Paragraph 66 should be replaced with the following text: "*Recalls* the request to the Human Rights Council to consider necessary measures to enhance the effectiveness of the follow-up mechanisms to the Durban Declaration and Programme of Action and to ensure better synergy and complementarities in the work of these mechanisms and looks forward to the discussions with a view to enhance the interface among and focus of follow-up mechanisms with a view to achieve greater synchronization and coordination at all levels, within their respective mandates, including through restructuring and reorganization of their work if deemed appropriate by the Human Rights Council, and to allow joint discussions and meetings".

70. In paragraph 69, the word "reverse" should be replaced with "end". Paragraph 72 should be deleted. In paragraph 74, after the words "Programme of Action", the phrase "and the outcome document of the Durban Review Conference" should be inserted.

71. **Mr. Gustafik** (Secretary of the Committee), after seeking clarification from the budget division, said that in view of the revisions made to the draft resolution, the Budget Division would need to review any programme budget implications arising therefrom and would express itself on that matter before the draft resolution was submitted to the General Assembly plenary for final action. Any statement made by the Budget Division would be made available under rule 153 of the rules of procedure.

72. **The Chair** invited the Committee to take action on the draft resolution. Member States would be advised of any programme budget implications before final action on the draft resolution was taken in the General Assembly plenary.

73. **Mr. Gustafik** (Secretary of the Committee) said that Kazakhstan and the Russian Federation had joined the sponsors.

74. **Ms. Geossens** (Belgium), speaking on behalf of the European Union, said that the International Convention on the Elimination of All Forms of Racial Discrimination should remain the basis for all efforts to

combat racism, racial discrimination, xenophobia and related intolerance. The European Union was convinced that the General Assembly must play a role in promoting tangible improvements on the ground, had negotiated in good faith on the draft resolution and had tabled amendments that aimed to re-establish a clear focus on the necessary fight against racism, ensure conformity with international law and underline the European Union's commitment to protecting all individuals from racism, regardless of the group or community they belonged to. The European Union regretted the fact that hardly any of its concerns had been addressed and that it would be compelled to vote against the draft resolution.

75. The commemoration of the tenth anniversary of the adoption of the Durban Declaration and Programme of Action should not be merely celebratory in nature, but should aim to achieve tangible results. It should not, moreover, distract attention or resources from the fight against racism. The European Union was concerned by the lack of reassurances from the main sponsors in that regard and had reservations about the proposed day and theme, as well as the reference to a political declaration which had been proposed at a very late stage in the negotiations. The European Union did not believe that new international legal norms were required; the fight against racism and discrimination should take place within the existing international legal framework. It was regrettable that the draft resolution prejudged the outcome of the follow-up to the Durban Declaration and Programme of Action by the Human Rights Council. The list of contemporary forms and manifestations of racism in the new paragraph 5 was not based on legal grounds and the European Union could not agree with paragraphs 9 and 12, as racism and its related challenges needed to be fought while respecting other human rights and fundamental freedoms.

76. The draft resolution failed to refer to the obligations of States under international law, and did not recognize the positive role that freedom of expression could play in combating racism, racial discrimination, xenophobia and related intolerance. The European Union regretted the selective reference to groups and communities and believed that all individuals, regardless of their ethnicity, religion or community, should be protected against racism and discrimination. Furthermore, the financial implications of the amended operative paragraphs 49 and 50 in the new draft resolution were unclear.

77. **Mr. Vigny** (Switzerland), also speaking on behalf of Iceland, Liechtenstein, New Zealand and Norway, said that those countries had participated in negotiations on the draft resolution in good faith but a lack of time and an unsatisfactory process had not allowed more common ground to be found. Although many of those countries' concerns had been taken into account in the draft resolution, it still contained issues of grave concern which would compel them to abstain in the vote. The draft resolution was inconsistent with international humanitarian law, including articles 18, 19 and 20 of the International Covenant on Civil and Political Rights. The political declaration to be adopted at the proposed high-level meeting, only a year after the Durban Review Conference outcome document, was unnecessary. The draft resolution also created a hierarchy between different groups and communities and did not make consistent reference to individual members of groups, even though, under international human rights law, it was individuals who were rights-holders. The draft resolution failed to highlight States' obligations at the national level to implement international legal instruments in the fight against racism. It was most regrettable that the international community had not yet been able to reach consensus on the question of all forms of racism, racial discrimination, xenophobia and related intolerance.

78. **Ms. Furman** (Israel) said that her country had always been willing to collaborate with other States to combat racism, racial discrimination, xenophobia and related intolerance. Although the draft resolution contained positive elements, neither Israel nor the entire membership of the United Nations could forget what had happened at the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which had been hijacked for the purpose of demonizing Israel, and at the Durban Review Conference. Israel was concerned that the tenth anniversary of the Durban Declaration and Programme of Action would likewise be derailed for political purposes. Israel would therefore vote against the draft resolution and had called for a recorded vote to be taken.

79. **Mr. Sammis** (United States of America) said that his country remained committed to engaging in an ongoing thoughtful dialogue to effectively combat racism. It remained deeply concerned by speech that advocated national, racial or religious hatred. Based on its own experience, the United States was convinced

that the best antidote to offensive speech was a combination of robust legal protection against discrimination and hate crimes, proactive Government outreach to racial and religious groups and the vigorous defence of freedom of expression. Although the United States would continue to engage with other countries to promote freedom of expression and to combat all forms of racism and racial discrimination, elements contained in the draft resolution compelled it to vote against the draft resolution.

80. It was, moreover, deeply troubling that the tenth anniversary commemorative event would be held in New York shortly after the tenth anniversary of the attacks of 11 September 2001; a repeat of the vitriol that had occurred at previous Durban-related events risked undermining the United States' relationship with the United Nations.

81. **Mr. Schaper** (The Netherlands) expressed his dismay that a series of substantive amendments to the draft resolution had been introduced at the last moment by its main sponsors, who had thus demonstrated a fundamental disrespect for other delegations.

82. The principle of non-discrimination was a cornerstone of the human rights system and was enshrined in the Constitution of the Netherlands. Furthermore, his country had enacted numerous measures at the national and international levels to combat racism and protect minorities. In that connection, the international community must not be distracted by efforts to promote other agendas. The Durban Declaration and Programme of Action as well as the Durban Review Conference had elevated the protection of religion above the protection and promotion of human rights by placing unnecessary restrictions on freedom of expression, by ignoring discrimination based on sexual orientation and by implicitly singling out one country. The Netherlands was obliged to vote against the draft resolution as it could not support any resolution that expressed unconditional support for the Durban Review Conference and its declarations.

83. *At the request of Israel, a recorded vote was taken on draft resolution A/C.3/65/L.60.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahrain, Bangladesh, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Bulgaria, Canada, Czech Republic, Denmark, Estonia, Germany, Israel, Italy, Latvia, Lithuania, Marshall Islands, Netherlands, Poland, Romania, San Marino, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Albania, Andorra, Armenia, Austria, Belgium, Bosnia and Herzegovina, Croatia, Cyprus, Finland, France, Georgia, Greece, Hungary, Iceland, Ireland, Japan, Liechtenstein, Luxembourg, Malta, Monaco, Montenegro, New Zealand, Norway, Papua New Guinea, Portugal, Republic of Korea, Republic of Moldova, Samoa, Serbia, Slovakia, Slovenia, Spain, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine.

84. *Draft resolution A/C.3/65/L.60 was adopted by 121 votes to 19, with 35 abstentions.*

85. **Mr. Mashabane** (South Africa) said that contrary to what several delegations had said, attempts had been made on several occasions to accommodate all stakeholders. Almost all of the oral amendments to the draft text had been intended for that purpose. The Group of 77 and China had consistently sought to take into account all views, while knowing that some Member States would inevitably vote against the draft resolution. The lack of consensus was unfortunate, and should not create the impression that the Group of 77 and China was anything other than a willing partner in the fight against racism.

86. **The Chair** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the note by the Secretary-General transmitting the interim report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/65/295) and the report of the Secretary-General on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/65/377).

87. *It was so decided.*

Agenda item 68: Promotion and protection of human rights (*continued*)

(a) Implementation of human rights instruments (*continued*) (A/65/40, A/65/44, A/65/94, A/65/190, A/65/317 and A/65/381)

88. **The Chair** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the report of the Human Rights Committee (A/65/40), volumes I and II; the report of the Committee against Torture (A/65/44); the report of the Secretary-General on the status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (A/65/94); the note by the Secretary-General transmitting the report of the chairs of the human rights treaty bodies on their twenty-second meeting (A/65/190); the note by the Secretary-General on evaluation of the use of additional meeting time by the human rights treaty bodies (A/65/317); and the note by the Secretary-General on the Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/65/381).

89. *It was so decided.*

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/65/87, A/65/156, A/65/162, A/65/222, A/65/223, A/65/254, A/65/255, A/65/256, A/65/260 and Corr.1, A/65/261, A/65/274, A/65/282, A/65/284, A/65/287, A/65/288, A/65/310, A/65/332 and A/65/369)

90. **The Chair** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the note by the Secretariat on the Report of the Working Group on the Right to Development on its eleventh session (A/65/87); the report of the Secretary-General on promotion and protection of human rights, including ways and means to promote the human rights of migrants (A/65/156); the note by the Secretary-General transmitting the interim report of the United Nations Special Rapporteur on the right to education (A/65/162); the note by the Secretary-General transmitting the report of the Special Rapporteur on the human rights of migrants (A/65/222); the note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights defenders (A/65/223); the note by the Secretary-General transmitting the report of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation (A/65/254); the note by the Secretary-General transmitting the report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/65/255); the note by the Secretariat concerning the report of the Secretary-General on the right to development (A/65/256); the note by the Secretary-General transmitting the report of the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights (A/65/260 and Corr.1); the note by the Secretary-General transmitting the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (A/65/261); the note by the Secretary-General transmitting the interim report of the Special Rapporteur on the independence of judges and lawyers (A/65/274); the note by the Secretary-General transmitting the report of the Representative of the Secretary-General on the human

rights of internally displaced persons (A/65/282); the note by the Secretary-General transmitting the report of the Representative of the Secretary-General on the human rights of internally displaced persons (A/65/284); the note by the Secretary-General transmitting the report of the independent expert on minority issues (A/65/287); the note by the Secretary-General transmitting the report of the Special Rapporteur on trafficking in persons, especially women and children (A/65/288); the report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/65/310); the report of the Secretary-General on measures taken to address systemic human resources issues raised by the Office of the United Nations Ombudsman and Mediation Services (A/65/332); and the report of the Secretary-General on regional arrangements for the promotion and protection of human rights (A/65/369).

91. *It was so decided.*

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/65/331)

92. **The Chair** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (A/65/331).

93. *It was so decided.*

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*) (A/65/36)

94. **The Chair** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the report of the United Nations High Commissioner for Human Rights (A/65/36).

95. *It was so decided.*

Agenda item 118: Revitalization of the work of the General Assembly (A/C.3/65/L.66)

96. **The Chair** said that he took it that the Committee wished to adopt the draft programme of work submitted by the Chair, contained in document A/C.3/65/L.66, and to transmit it to the General Assembly for approval.

97. *It was so decided.*

Completion of the work of the Third Committee

98. **The Chair** said that the Committee had in most cases been able to transcend divisions; a majority of resolutions had been adopted by consensus with numerous sponsors. In a range of areas, the Committee had been able to enhance synergies and common actions. Interactive dialogues had given rise to stimulating discussions. However, restraint would be required in future in order to avoid the unfortunate, astonishing and indeed unacceptable situation in which a Special Rapporteur had stated that the views expressed by a Permanent Representative did not reflect those of his Government.

99. Human rights were like a rainbow: they should reflect both universality and diversity, and no one colour should prevail. In an increasingly interdependent world, in which a growing number of countries were exposed to natural disasters and the vicissitudes of history, the Third Committee could act as a forum for action in order to restore hope.

100. After an exchange of courtesies, in which **Mr. Babadoudou** (Benin), **Mr. Vimal** (India), **Ms. Kopicová** (Czech Republic), **Mr. Wolfe** (Jamaica), **Ms. Fröberg** (Finland), **Mr. de Sellos** (Brazil), **Ms. Freedman** (United Kingdom), **Mr. Salim** (Egypt) and **Ms. Halabi** (Syrian Arab Republic) took part, the Chair declared that the Third Committee had completed its work for the main part of the sixty-fifth session.

The meeting rose at 7.20 p.m.